

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

**SECURITIES AND EXCHANGE
COMMISSION,**

Plaintiff,

v.

No. 09-cv-1021 SMV/ACT

CHARLES R. KOKESH,

Defendant.

ORDER SETTING AGENDA FOR PRETRIAL CONFERENCE

THIS MATTER is before the Court sua sponte. The Court will address the following matters in the following order at the Pretrial Conference on October 3, 2014:

- 1. Defendant's Motion for Reconsideration of Order Granting Plaintiff's Motion in Limine [Doc. 122]**
- 2. Exhibit Lists and Objections**
- 3. Witness Lists and Objections**
- 4. Jury Selection and Voir Dire**
 - a. Number of jurors needed
 - b. Time allowed for voir dire
 - c. Statement of the Case
- 5. Jury instructions**
 - a. Alleged aiding and abetting violations of §§ 206(1) and 206(2) of the Investment Company Advisers Act
 - i. Plaintiff's contested instruction numbers 6, 7, 8, and 9, and Defendant's contested instruction numbers 7, 8, and 9
 - b. Alleged aiding and abetting violations of § 13(a) of the Securities Exchange Act and Rules 12b-20, 13a-1 and 13a-13

- i. Plaintiff's contested instruction number 10 and Defendant's contested instruction number 5
 - c. Alleged aiding and abetting violations of § 14(a) of the Securities Exchange Act and Rule 14a-9
 - i. Plaintiff's contested instruction number 11 and Defendant's contested instruction number 6
 - d. Alleged violation of § 37 of the Investment Company Advisers Act, or in the alternative, violation of § 57 of the Investment Company Advisers Act
 - i. Plaintiff's contested instruction number 12
 - e. Burden of proof
 - i. Plaintiff's contested instruction number 1D and Defendant's contested instruction numbers 2D and 4
 - f. Statute of Limitations, fraudulent concealment
 - i. Defendant's contested instruction number 10
 - g. Joint Statement of the Case
 - i. Plaintiff's contested instruction numbers 2 and 3 and Defendant's contested instruction number 4 and 11
- 6. Opening and Closing Statements**
- a. Length
 - b. Use of exhibits
- 7. Trial Schedule**
- a. Number of days
 - b. Start time, end time, morning and afternoon breaks
- 8. Courtroom Technology**



STEPHAN M. VIDMAR
United States Magistrate Judge
Presiding by Consent